



## **The Kansas Department of Health and Environment and U.S Environmental Protection Agency**

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### **FACT SHEET CLEAN HARBORS KANSAS, LLC WICHITA, KANSAS FINAL PERMIT DETERMINATION September 18, 2012**

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This fact sheet, in accordance with the requirements of 40 CFR 124.8, and KAR 28-31-124d has been prepared for a Resource Conservation and Recovery Act (RCRA) permit that the Kansas Department of Health and Environment (KDHE) and the U.S. Environmental Protection Agency (EPA) intend to jointly issue to Clean Harbors Kansas, LLC. This facility, located at 2549 North New York Street, Wichita, Kansas, received RCRA interim status in 1980. The facility was originally permitted in 1995 as Hydrocarbon Recycler, Inc. (HRI) with EPA identification number KSD007246846 and since then had several changes of ownerships and permit transfers. The present owner, Clean Harbors Kansas, LLC, submitted a RCRA Part A and Part B permit renewal application to continue operating this hazardous waste storage facility. The final permit will allow storage of hazardous waste in containers and tanks from on-site and off-site hazardous waste facilities, and fuel blending. Any treatment (other than fuel blending) or disposal of hazardous waste not authorized in this permit is prohibited.

#### **I. Facility Permit Overview**

The facility is permitted for storage of hazardous waste in approved containers, and storage and treatment in tanks, in accordance with 40 CFR 264.170 through 264.179, in the hazardous waste storage area, Building C, Building I, front portion (next to the truck bay) of the Process Area (P100), and Drum Dock in front of Building C. The container storage area is permitted to handle a maximum capacity of 174,570 gallons. The tank storage area is permitted to handle a maximum capacity of 85,689 gallons.

Since Buildings B, D, J, and Tanks V9, V10, V11, V12, V13, V14, V15A, V15B, V15C, V15D, V16, V17 and miscellaneous units V26, V34, V35 are no longer in use, the facility will close the above Buildings and Tanks as required in the Closure Plan in Section J, Appendix J-C of the Permit Application within one (1) year of the issuance of this Permit.

The permitted container storage areas are enclosed within a perimeter fence that surrounds the entire hazardous waste management facility. Building C and Building I are enclosed structures. The Drum Dock and Process Area are not enclosed structures; however, there are roofs on top of the Drum Dock and the Process Area. Eight (8) tanks are located in the P100 Process Area. The container and tank storage areas will comply with 40 CFR Part 264 Subpart I and Subpart J,

respectively, and applicable requirements of 40 CFR Part 270. Emergency equipment is available at the facility and appropriate warning signs are posted on the perimeter fences. In the event of closure, storage areas will be decontaminated in accordance with the approved closure plan. Additional information on the hazardous waste management activities at the Clean Harbors Kansas, LLC facility in Wichita can be found in the permit Part A and Part B applications, or obtained from the KDHE contact.

## **II. Permitting Regulatory Authority**

In October 1985, the State of Kansas received final authorization from the Environmental Protection Agency (EPA) to implement its own hazardous waste management program in lieu of the federal program, except for those portions covered by the 1984 Hazardous and Solid Waste Amendments (HSWA). Authority for the corrective action portion of the RCRA program has not been delegated to the State of Kansas and is currently administered by the EPA.

The permit sets forth in a concise document all of the applicable requirements that KDHE and EPA will require the Permittee to comply with during the 10-year duration of the permit. The hazardous waste permit consists of two parts: Part I (KDHE) - hazardous waste management units, and Part II (EPA) - Hazardous and Solid Waste Amendments (HSWA) requirements.

The KDHE portion of the permit is being considered for issuance under authority of the Kansas Statutes Annotated (KSA) 65-3430, *et seq.*, and the Kansas Administrative Regulation (KAR) 28-31-4 through 28-31-279a. Part I includes standard permit conditions, general facility conditions, and regulatory provisions for storage in containers and tanks and subpart AA and BB air emission standards.

The EPA portion of the permit is being considered for issuance under Section 3004(u) of RCRA, 42 U.S.C. §6924, and 40 CFR §264.101, which requires all Permits issued after November 8, 1984, to address corrective action for all releases of hazardous waste or hazardous constituents from any solid waste management unit (SWMU) at a treatment, storage, or disposal facility, and 40 CFR 264, subpart CC. Part II includes general conditions, corrective action requirements, air emission standards under subpart CC, and a facility submission summary.

Documents that support the permit conditions specified in Part I and Part II are part of the administrative record. Applicable regulations are found in 40 CFR Parts 260 through 264, 268, 270, and 124, as specified in Part II of this permit.

## **III. Summary of the RCRA Permitting Process**

State and federal hazardous waste laws require that the public be given at least 45 days to review the administrative record for the draft permit prior to the regulatory agencies taking a final action. The purpose of having a public comment period is to ensure that interested parties have the opportunity to evaluate the conditions specified in the draft permit and to provide their input into the permit decision-making process. The public comment period began on July 23, 2012 and ended on September 5, 2012. The administrative record, which includes the draft permit, permit application, and other relevant permitting correspondence, were available for public review at the following locations:

Kansas Department of Health and Environment  
Chief, Hazardous Waste Permits Section  
1000 SW Jackson Street, Suite 320  
Topeka, Kansas 66620-0001  
Contact: Mostafa Kamal  
Tel: (785) 296-1609

Wichita Public Library  
223 S. Main  
Wichita, Kansas 67202  
Contact: Mr. Larry Vos  
Tel: (316) 261-8540

U.S. Environmental Protection Agency Region 7  
AWMD, WRAP Branch  
901 North 5<sup>th</sup> Street  
Kansas City, Kansas 66101  
Contact: Ms. Chris Jump  
Tel: (913) 551-7141

As specified in 40 CFR 124.11, during the public comment period any interested person may request a public hearing in writing which states the nature of the issues proposed to be raised in a public hearing. During the 45 day (July 23, 2012 to September 5, 2012) public comment period, no comments were received. Therefore, no public hearing was scheduled.

#### **IV. Procedures for Reaching a Final Decision**

The Secretary of KDHE and the EPA Region 7 Director of the Air and Waste Management Division (AWMD) made the final determination regarding the issuance of a joint permit at the close of the public comment period. Since neither KDHE nor the EPA received any comments on the draft Part I or Part II permit; therefore, no response to comment was necessary. The agencies have made an ultimate determination that the draft permit will comply with the applicable state and federal regulations and have decided to issue a final Part I and Part II permit that is unchanged from the draft permit.

Since no comments were filed and the final permit is unchanged from the draft, the opportunity to appeal the permit under 40 CFR §124.19 is not available and the permit shall become effective immediately upon issuance, in accordance with 40 CFR §124.15(b)(3).

#### **V. Permit Organization**

The permit is organized in the following manner:

<b>Part I (KDHE)</b>	<b>Description</b>
Cover Sheet	Sets forth basic legal authority.

Section I Standard Permit Conditions	General permit conditions which are the regulatory requirements specified in 40 CFR 270.
Section II General Facility Conditions	General facility permit conditions which are the regulatory requirements specified in 40 CFR 264.
Section III Storage In Containers	Specific operating conditions, limitations, procedures, container limitations, and requirements which implement the regulatory requirements of 40 CFR 264 Subpart I.
Section IV Storage and treatment in Tanks	Specific operating conditions, limitations, procedures, tank limitations, and requirements which implement the regulatory requirements of 40 CFR 264 Subpart J.
Section V Air Emission Standards	Specific operating condition, limitations, procedures for air emissions from tanks and containers are regulated under 40 CFR 264 Subpart AA, BB, and CC.
<b>Part II (EPA)</b> Hazardous and Solid Waste Amendments (HSWA) Permit	Specific conditions requiring evaluation of releases of hazardous constituents from solid waste management units and corrective action as appropriate; and air emission requirements for tanks and containers under 40 CFR 264 Subpart 264.